



**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
MARCH 17, 2014**

Project: PAYASO RESTAURANT - (PLN2014-00179)

Proposal: To consider a Zoning Administrator Permit to allow a full-service restaurant serving alcohol and providing live entertainment located at 6052 Stevenson Boulevard in the Bayside Industrial Community Plan Area; and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).

Recommendation: Approve, based on findings and subject to conditions

Location: 6052 Stevenson Boulevard in the Bayside Industrial Community Plan Area.
APN 531-0415-013-00
(See aerial photo next page)

Area: 2,000 square foot tenant space within a 69,495 square foot building on a 6-acre lot

People: Melvin Rabara, Applicant
American Pacific Investment Capital, Inc. Owner
Spencer Shafsky, Staff Planner (510) 494-4452; sshafsky@fremont.gov

General Plan: Commercial - Regional

Zoning: Planned District P-2006-10

EXECUTIVE SUMMARY:

The applicant requests approval of a Zoning Administrator Permit to establish a full-service restaurant with alcoholic beverage service and providing live entertainment, consisting of one comedian or one karaoke performer on stage, in a 2,000 square foot tenant space within a 69,495 square-foot multi-tenant commercial building. The project site is located in Phase I of The Globe Planned District P-2006-10, and restaurants serving alcohol are a permitted use subject to Zoning Administrator review and approval of a Zoning Administrator Permit (ZAP). Live entertainment is a permitted accessory use in conjunction with the approved ZAP for a restaurant serving alcohol. Staff recommends that the Zoning Administrator approve the application based on the findings and subject to the conditions of approval contained in Exhibit "B," attached hereto.

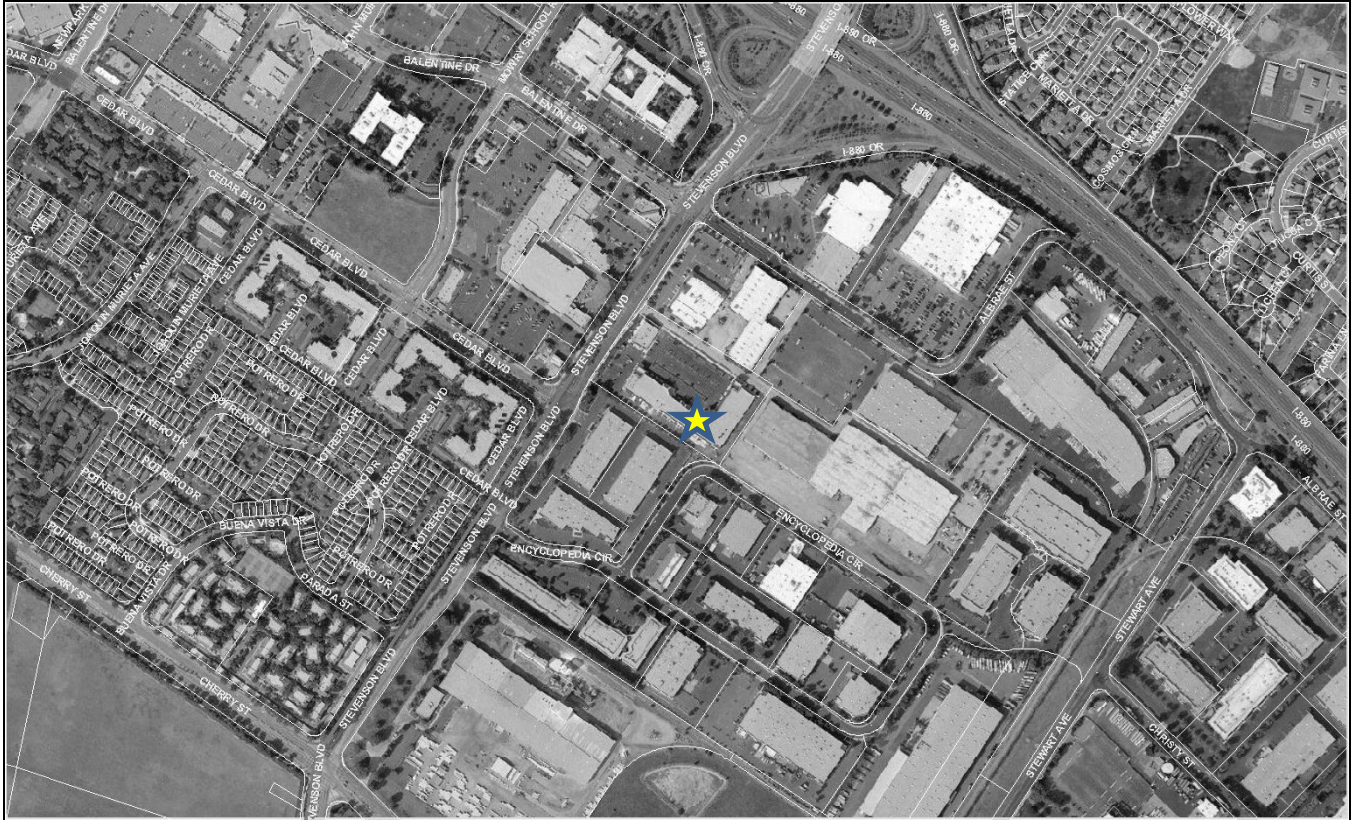


Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Commercial/Retail Buildings
- South: Commercial/Retail Buildings
- East: Commercial/Retail Buildings
- West: Stevenson Boulevard and Community Commercial beyond.

BACKGROUND AND PREVIOUS ACTIONS:

On March 7, 2006, the City Council approved a General Plan Amendment to re-designate the subject site from General Industrial to High Volume Retail (PLN2005-00061). On February 17, 2007, the City Council approved Planned District P-2006-10 (hereafter referred to as The Globe PD) to allow development of 557,900 square feet of commercial space including 469,900 square feet of retail commercial floor area and an 88,000-square-foot mini-storage facility. The building that is the subject of this application was built as part of the first phase of The Globe. It was completed in late 2007 and is currently partially occupied by a small number of commercial tenants and one banquet hall. The banquet hall was approved on December 12, 2013 (PLN2014-00061) as a 20,274 square-foot tenant space (actually consisting of three contiguous tenant spaces) adjacent to the subject tenant space.

PROJECT DESCRIPTION:

The applicant is proposing to lease one 2,000 square-foot tenant space in Building A of The Globe PD and construct a full service restaurant with alcohol service. The restaurant will be a full-service traditional Filipino restaurant that will operate Monday through Thursday from 10:00 a.m. to 10:00 p.m. and Friday through Sunday from 10:00 a.m. to 1:30 a.m. In addition to serving food, on Friday through Sunday nights the restaurant will provide live entertainment consisting of one live comedian on-stage or one karaoke machine on-stage for customers to sing songs. The restaurant will continue to serve their full menu during the performances and all ages will be welcome. The intent is to provide an atmosphere and culture dishes that are custom to traditional Filipino culture.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Commercial - Regional. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed use is consistent with those desired within the Commercial – Regional land use designation. The designation includes large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. The Globe was designed for regionally-oriented retail, restaurant and entertainment uses. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LAND USE GOAL 2-4: CENTERS AND CORRIDORS - *Distinctive, vibrant centers and corridors that accommodate housing, commerce, shopping, services, civic activities, entertainment and culture.*

Land Use Policy 2-4.5: Meeting a range of Needs - *Maintain a mix of uses and activities in commercial centers that meet a range of neighborhood and citywide needs. Some centers may be characterized predominantly by retail uses, while others may contain a more varied mix of activities including civic, education, local-serving offices, and group assembly uses.*

Land Use Policy 2-4.10: Activating Commercial Centers – *Encourage uses and activities in commercial centers which generate foot traffic, create a stronger sense of place, and bring life to outdoor spaces.*

Analysis: The Globe is intended to be a lively, multi-use shopping and entertainment complex containing retail shops, restaurants and entertainment options when it is fully redeveloped. The Planned District (PD) standards and guidelines provide for restaurant facilities with alcoholic beverage service and live entertainment as an allowable use subject to discretionary approval of a Zoning Administrator Permit as reviewed by the Zoning Administrator. Restaurant uses with entertainment as an accessory use would contribute to the type of environment envisioned for The Globe by its developers. The proposed restaurant would provide an eating and entertainment venue capable of catering to families and small groups for those people who wish to enjoy entertainment with their meal. In addition, the venue's location along Stevenson Boulevard just west of Interstate 880 in a largely commercial and industrial area would provide convenient access to the site and help minimize any impacts the use might have on the neighboring properties.

Zoning Regulations:

The project site is located within Planned District P-2006-10, which was established to govern the development of The Globe, a commercial and entertainment complex planned at the intersection of Stevenson Boulevard and Albrae Street. The guidelines for this PD allow for restaurants with alcohol service and live entertainment as an accessory use to the restaurant within the PD subject to approval of a Zoning Administrator Permit.

Parking:

The Globe PD does not specify parking requirements for individual uses. When the parking requirements for The Globe PD were analyzed, the parking needs for the entire development were considered altogether, not each parcel on a parcel-by-parcel basis. This is because it was assumed that some patrons visiting the site would park their cars in one location within the PD and walk throughout the development to get to other locations. As such, all parcels comprising the PD were required to have shared parking/access easements in place to ensure that patrons could park anywhere that parking was available.

The PD approval allows for a maximum of 115,000 square feet of restaurant floor area, and the overall parking plan was designed to accommodate that amount of floor area in addition to the other commercial land uses. Not all of the approved parking facilities have been built yet, but the other existing lots comprising the PD currently have large numbers of underutilized parking within walking distance of the subject building which patrons may use under the shared parking agreements if parking near the banquet facilities is unavailable. To date, four restaurants totaling approximately 35,200 square feet have been permitted in the PD, and Payaso will occupy a tenant space of 2,000 square feet in the "Saigon Village" building, bringing the total to approximately 37,200 square feet, which is well under the 115,000 square-foot limit of the PD approval. Further, the "Saigon Village" building has 26,524 square feet of restaurant space with the remaining 42,350 square feet being vacant.

Existing Restaurant Uses	Square Footage
The Heart Cafe	1,750
Pho Appetit	2,500
World Buffet	10,000
Royal Palace	20,274
Payaso	2,000
Total	36,524

Circulation:

The proposed development is accessed off Stevenson Boulevard, which is an arterial street with full street improvements along the project's frontage. The proposed use will have direct access to an existing improved parking lot.

FINDINGS FOR APPROVAL

(a) The proposed use is consistent with the General Plan.

Analysis: The proposal is consistent with the General Plan in that eating and drinking establishments which provide live entertainment are permitted on land designated Commercial - Regional in the Land Use Chapter of the General Plan.

(b) The site is suitable and adequate for the proposed use.

Analysis: The Globe is intended to be a lively, multi-use shopping and entertainment complex with a regional draw at build-out. The PD guidelines allow for restaurants with alcohol service and live entertainment within the complex subject to discretionary approval by the Zoning Administrator because such facilities would contribute to the type of environment that the project aims to provide when it is fully developed. The site's location on a major commercial thoroughfare (Stevenson Boulevard) just west of Interstate 880 would provide for convenient vehicular access to the site and the building itself would require little modification in order to satisfy the Building and Fire Code upgrades needed to allow a restaurant to occupy the tenant space. In addition, adequate on-site parking would be provided.

(c) The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services.

Analysis: Traffic generated by the proposed use would not adversely impact the road network of the surrounding area or overburden parking facilities in that the live entertainment would occur on weekends and the project would not alter or otherwise adversely impact existing transit service or bicycle or pedestrian circulation facilities serving the area.

(d) The proposed use would not have a substantial adverse economic effect on nearby use.

Analysis: The proposed use would not have an adverse economic impact on neighboring businesses or residential properties because conditions of approval would be imposed on the project to help ensure that the use does not cause noise or safety problems or otherwise pose a nuisance for the surrounding neighborhood. It is anticipated that other businesses within and around The Globe (once it is fully occupied by a variety of retail and service uses) would potentially benefit from the increased traffic generated by the restaurant's patrons.

(e) The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large.

Analysis: The applicant's plan is to operate a high-end restaurant and to provide live entertainment on the weekends. Live and/or amplified music would be limited to one performer on stage. All activities will take place indoors and any noise generated should not impact the surrounding users.

Applicable Fees:

All applicable fees for the subject building were paid by the developer upon issuance of the building permit allowing construction of the building. For this reason, the applicant will not be subject to payment of impact fees for the proposed use.

Environmental Review:

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 59 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 5, 2014. A Public Hearing Notice was published by *The Argus* on March 6, 2014.

ENCLOSURES:

Exhibits:

Exhibit "A" [Site Plan, Floor Plans, Elevations](#)
Exhibit "B" [Findings and Conditions](#)

Informational Items:

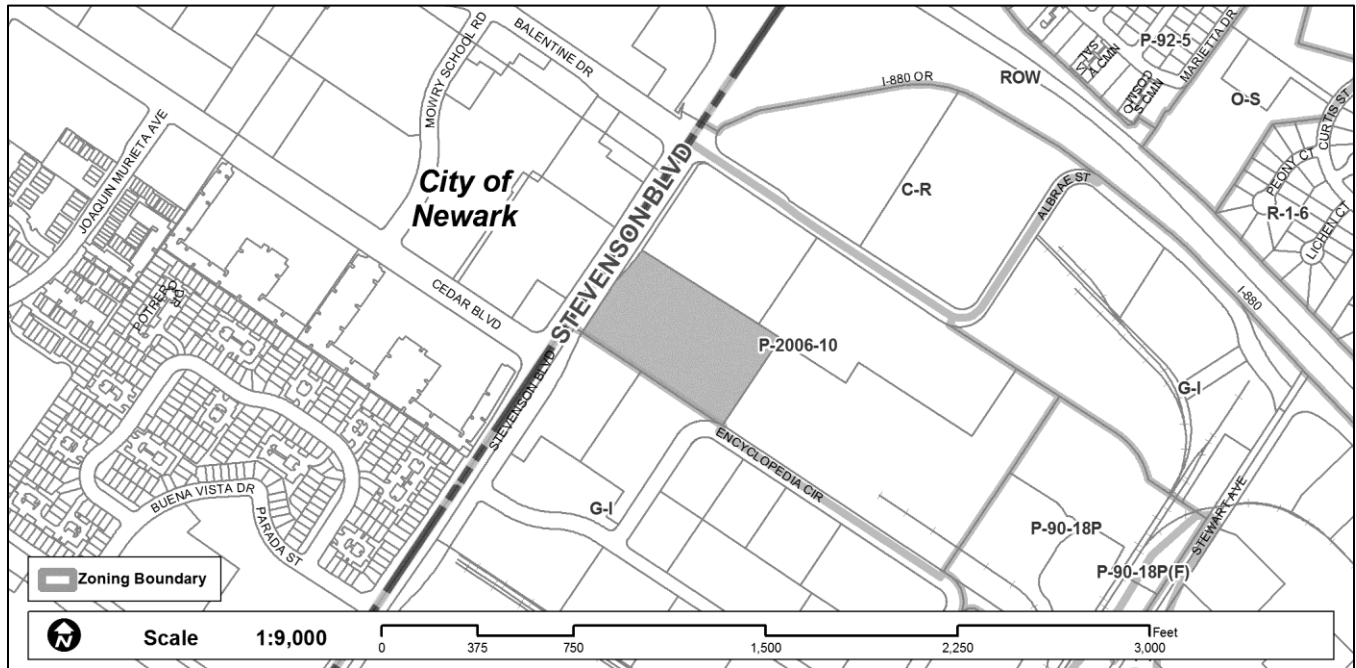
Informational 1 [Applicants' statements of operations](#)

RECOMMENDATION:

1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
3. Find that Zoning Administrator Permit PLN2014-00179 is in conformance with the relevant provisions contained in the City's existing General Plan, including the goals and policies set forth in the Land Use Chapter of the General Plan, as enumerated within the staff report.
4. Approve Zoning Administrator Permit PLN2014-00179, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

